



Office of the Attorney General  
State of Texas

March 21, 1996

DAN MORALES  
ATTORNEY GENERAL

Ms. Maria Salinas Parker  
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Houston, Texas 77002-6707

OR96-0369

Dear Ms. Parker:

You seek reconsideration and clarification of Open Records Letter No. 95-1254 (1995), in which this office determined that chapter 552 of the Government Code required the Harris County Water Control and Improvement District No. 110 of Harris County, Texas (the "district") to make certain information available to the public. We have assigned your request for reconsideration and clarification ID# 38518.

The Harris County Water Control and Improvement District No. 110 of Harris County, Texas, which operates the Forest Oaks Swim and Racquet Club (the "club"), received a request for the names and telephone numbers of the women who participate in the tennis leagues at the club. The district also received a request for information about the amount of money earned by the club's tennis pro from private tennis lessons. In Open Records Letter No. 95-1254 (1995), this office ruled that the information regarding the tennis league membership was subject to required public disclosure. We also ruled that the amount of money earned by the club's tennis pro from private tennis lessons was not "public information" as defined in section 552.021 of the Government Code.

The district has received two subsequent requests for the information at issue in Open Records Letter No. 95-1254 (1995), as well as for additional information regarding fees collected for the tennis leagues, and the address and telephone numbers of individual who took private lessons from the club's tennis pro. You have provided the additional information regarding the fees collected for the tennis leagues; you claim, however, that the address and telephone numbers of members who participate in the tennis leagues are excepted from disclosure under section 552.102 of the Government Code. You also seek clarification of Open Records Letter No. 95-1254 (1995) regarding our conclusion that the money earned by the tennis pro from private lessons was not public information under the act. We concluded that, "[a]ssuming that the recreational facilities manager gives private tennis lessons and collects the fees for such lessons purely in an unofficial capacity, and that the district does not receive moneys from the tennis lessons or regulate them in

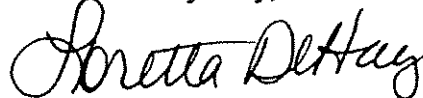
any way, we agree that information about the amount of money earned by the club's tennis pro from private tennis lessons is not public information within the meaning of the Open Records Act." You ask whether the fact that the tennis pro is given priority use of one of the tennis courts for her lessons would constitute regulation of the tennis lessons to bring such information within the ambit of the Open Records Act.

Section 552.102 excepts from required public disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Since personnel files are not at issue in this request, we assume that you intended to claim that the addresses and telephone numbers of the tennis league participants are excepted from disclosure under the common-law privacy aspect of section 552.101. Section 552.101 excepts from required public disclosure information that is considered confidential by law, either constitutional, statutory, or by judicial decision. Information may be withheld under section 552.101 in conjunction with common-law privacy only if the information is highly intimate or embarrassing *and* it is of no legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). However, a person's address and telephone number are not highly intimate or embarrassing information. Open Records Decision Nos. 478 (1987), 455 (1987). Therefore, you may not withhold the addresses and telephone number of tennis league participants under common-law privacy.

We next address your request for clarification of our determination that the amounts received by the tennis pro for private lessons is not public information under section 552.021 of the Government Code. We do not believe that the district "regulates" the tennis pro's tennis lessons merely by giving her priority use of one of the tennis courts for the lessons. Thus, information maintained by the tennis pro in an unofficial capacity regarding the private tennis lessons, including the addresses and telephone numbers of individuals who took private lessons with the tennis pro, is not "public information" subject to the Open Records Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/ch

Ref.: ID# 37487

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